

State of California, State Water Resources Control Board

Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

S010138

2005, 2006, 2007

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

Owner(s) of Record:

~~PHIL EVANS~~; LEWIS EVANS

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2008

Primary Contact:

~~PHIL EVANS~~, Lewis
PO BOX 820
KINGS CYN NATL PARK, CA 93633

Agent:

Address:

Phone No.

Fax No.

E-mail Address:

Phone No. 209-335-2405

Fax No.

E-mail Address:

Source Name: TENMILE CREEK

Tributary To:

County: Fresno

Diversion within: 1/4 of 1/4 Section 1, T 13 S, R 28 E, MDB&M

Year of First Use:

Name of Diversion works:

Assessor Parcel Number
of the Diversion site:

A. **Water is Used Under:** Riparian claim ☒ Pre-1914 claim ☒ Court Decree No.: _____ Other (explain): _____

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewrims)) 1908

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:

Gallons per minute (gpm) ☒ Gallons per day (gpd) _____ Cubic feet per second (cfs) _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2005	30	30	350	350	350	350	350	350	350	350	350	30	
2006	30	30	350	350	350	350	350	350	350	350	350	30	
2007	30	30	350	350	350	350	350	350	350	350	350	30	

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:

Gallons _____ Million Gallons (MG) _____ Acre-feet (AF) ☒

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2005	15	15	50	50	50	50	50	50	50	50	50	15	
2006	15	15	50	50	50	50	50	50	50	50	50	15	
2007	15	15	50	50	50	50	50	50	50	50	50	15	

E. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 1 acres; Stockwatering 5; Domestic _____
Other (specify) Hydro Electric generation

Parcel Number(s) of Place of Use: 165

F. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed.

(New pump, enlarged diversion dam, location of diversion, etc.)

NEW DIVERSION AND PIPE AS RECORDED WITH FRESNO COUNTY

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES _____ NO ☒
Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use; (2) Information Pertaining to Water Rights in California; and (3) Appropriation of Water in California.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Conservation Act on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Flow from use of groundwater, or other "foreign" water to the natural stream system.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

DATE: July 10, 2008
 SIGNATURE: [Signature]
 PRINTED NAME: Louis Evans
 COMPANY NAME: Kings Canyon Lodge
 (first name) (middle initial) (last name)
 If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.

ITEM

CONTINUATION

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

3. Conjunctive use of surface water and groundwater
- a. Are you now using groundwater in lieu of surface water? YES _____ NO _____
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:
- Amount of substitute water supply used: _____ (AF/MG) Year _____
- I have data to support the above surface water use reductions due to the use of a substitute water supply. YES _____ NO _____ (AF/MG)
2. Water quality and wastewater reclamation
- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:
- Amount of reduced diversion: _____ (AF/MG) Year _____
- State the type of substitute water supply: _____ (AF/MG) Year _____
- Amount of substitute water supply used: _____ (AF/MG) Year _____
- I have data to support the above surface water use reductions due to the use of a substitute water supply. YES _____ NO _____ (AF/MG)
1. Reduction in consumptive use:
- Reduction in consumptive use: _____ (AF/MG) Year _____
- I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____ (AF/MG)

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95812-2000
(916) 657-2170

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996

OWNER OF RECORD: PHIL EVANS, LEWIS EVANS

PHIL EVANS
P O BOX 820
KINGS CYN NATL PARK, CA 93633

SOURCE: TENMILE CREEK
TRIBUTARY TO: KINGS RIVER
COUNTY: FRESNO
DIVERSION

STATEMENT NO: S010138

TELEPHONE NUMBER:

(209) 335-2405

YEAR OF FIRST USE: 1914

PARCEL NO:

WITHIN: 1/4 OF 1/4 SECTION 1, T13S, R28E, MB&M.

A. Water is used under: Riparian claim ☒; Pre 1914 right ☒; Other (explain) _____

B. Year of first use (Please provide if missing above) 1914

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1993	20	20	20	20	20	30	30	20	20	20	20	20	280
1994	20	20	20	20	20	30	30	30	30	20	20	20	280
1995	20	20	20	20	30	30	30	30	30	20	20	20	320

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 2 acres; Stockwatering 17; Domestic _____

Other (specify) Fire protection

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 7/29, 1996, at Squaw Lake, California

SIGNATURE: Lewis D Evans

PRINTED NAME: LEWIS (FIRST NAME) D (M. NAME) EVANS (LAST NAME)

COMPANY NAME: Kings Canyon Lodge

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California, riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on their riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available, including the following:

- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockpounds Constructed Prior to 1969"
- "Appropriation of Water in California"

(916) 657-1924
FAX: (916) 657-1485

MAY 18 1993

In Reply Refer
to:333:DGC:S10138

Mr. Chris Launer, Special Agent
U.S. Forest Service
35860 E. Kings Canyon Road
Dunlap, CA 93621

Dear Mr. Launer:

REQUEST FOR WATER RIGHTS INFORMATION ON TEN MILE CREEK IN SEQUOIA NATIONAL FOREST IN THE NAME OF MR. LEWIS D. EVANS, STATEMENT 10138 & APPLICATION 26752 IN FRESNO COUNTY

In response to your letter of April 9, 1993, I find only Statement No. S10138, and a pending Application No. 26752 in Mr. Lewis D. Evans' name.

Statement of Water Diversion and Use No. S10138, is for 1.25 cubic foot per second (cfs) and 0.10 acre-feet per annum (af) use and was filed on October 28, 1980. No supplemental statements of use were found in our files. I found no supplemental information or other correspondence relative to Mr. Evans' pre-1914 claim of right in our records.

Pending Application No. 26752 was filed on March 17, 1981, for diversion of 125 cfs from Ten Mile Creek in Section 1, T13S, R28E, MDB&M for power use and return to the creek near Hume Lake. The application was not permitted and is in the process of being cancelled due to failure to pay the required annual fee (see enclosed letter dated April 21, 1993). Also, any permit would be of limited significance in light of the termination of FERC License 3208-017.

Any right of access on adjacent landowner's property would appear to have to be granted to Mr. Evans by recorded easement or court decree, not by virtue of a pre-1914 claim or water right permit. The normal process is for the application to receive any required easements or special use permit(s) as a part of the application process prior to permitting or as a condition before use of water under any water right permit. Pending applications may also be cancelled at any time if it becomes apparent to staff that permits required for access to the sources of water or other required permits will not be granted (Title 23, California Code of Regulations Section 776, copy enclosed).

If you have any questions, please contact me at the above telephone number.

Sincerely,

ORIGINAL SIGNED BY:

Dave Cornelius, PE
Senior Hearing Unit Specialist

Enclosures

cc: Mr. Lewis D. Evans
P.O. Box 820
KCNF, CA 93633

!Control Tag No. 13806
!DGC:la:5-18-93/sph:5-18-93
!sha1b300:DGC:S10138

~~READING~~

(916) 657-1359

FAX: (916) 657-1485

In Reply Refer
to:333:LLE:26752

APRIL 21 1993

Mr. Lewis Evans
P.O. Box 820
Kings Canyon National Park, CA 93633

Dear Mr. Evans:

ANNUAL FEE FOR APPLICATION 26752

This letter will constitute official notice within the meaning of Water Code Section 1536 of the annual water right application fee of \$172 due on the subject application, as outlined to you in our letter of January 29, 1993 (copy enclosed).

The law requires that your application be cancelled if the required fee is not received within 30 days from the date of this notice.

Sincerely,

EDWARD C. ANTON, Chief
Division of Water Rights

Enclosure

CERTIFIED

!LLERickson:bl:4/14/93:larchuleta:4-14-93
!shalb300:wr.1H-1a:26752

NOTE: Authority cited: Section 1058, Water Code. Reference: Sections 183, 1357, 1358 and 1359, Water Code.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5).
2. Renumbering and amendment of former Section 770 to Section 834, and renumbering and amendment of Section 737.4 to Section 770 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10). For prior history, see Register 75, No. 21.

§ 771. Procedure Relating to Hearings.

The provisions of Article 11 of the subchapter insofar as they are applicable shall govern hearings under this article.

NOTE: Authority cited: Section 1058, Water Code. Reference: Sections 183, 1051, 1080, 1357, 1358 and 1359, Water Code.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5).
2. Renumbering and amendment of former Section 771 to Section 835, and renumbering and amendment of Section 737.5 to Section 771 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10). For prior history, see Register 75, No. 21.

§ 772. Issuance of Separate Permits and Licenses.

HISTORY

1. New section filed 12-7-67 as organizational and procedural; effective upon filing (Register 67, No. 49).
2. Renumbering and amendment of Section 772 to Section 836 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

Article 13. Right of Access

§ 775. Right of Access Over Lands Not Owned by Applicant.

When the applicant will need to occupy property or to use existing works not owned by him, it will generally be sufficient for the applicant to state in writing that the consent of the owner has been obtained, provided there is not denial. When the owner will not consent, the board may require satisfactory evidence of the applicant's ability through condemnation proceedings or otherwise to secure the necessary right of access before the application will be approved. For good cause shown, the board may allow reasonable time for the applicant to negotiate with the owner for the necessary right of access.

NOTE: Authority cited: Section 1058, Water Code. Reference: Sections 1250, 1252, 1253, 1257 and 1260, Water Code.

HISTORY

1. Renumbering and amendment of Section 747 to Section 775 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10). For prior history, see Register 60, No. 5.

§ 776. Where Public Agency Permission or Approval Is Required.

If the proposed project will require a permit, license, or approval from another public agency or officer and it become evident that regardless of the action taken by the board, such permit, license, or approval could not be secured from the proper agency, the application will be rejected.

NOTE: Authority cited: Section 1058, Water Code. Reference: Sections 1250 and 1255, Water Code.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5). (Ed. Note—Similar to former Section 778.)
2. Amendment filed 3-19-64; effective thirtieth day thereafter (Register 64, No. 6).
3. Renumbering and amendment of former Section 776 to Section 840, and renumbering and amendment of Section 748 to Section 776 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

§ 776.5. Requests for Extension of Time Under Permit.

HISTORY

1. New section filed 12-1-55; effective thirtieth day thereafter (Register 55, No. 17).
2. Repealer filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5).

§ 777. Right of Access over Lands Where Title Is Disputed.

The board will not undertake to determine title to land or the right to occupy or use land or other property. A dispute concerning applicant's title or right to occupy or use land or other property necessary for consummation of the proposed appropriation is not cause for denial of an application. A protest based solely upon such disputed title or right will ordinarily be rejected as not presenting an issue within the board's jurisdiction; provided that the board may temporarily defer action on an application pending judicial determination of applicant's title or right to occupy or use property when in the board's judgment such action is justified.

NOTE: Authority cited: Section 1058, Water Code. Reference: Section 1250, Water Code.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5). (Ed. Note—Similar to former Section 776.)
2. Renumbering and amendment of former Section 777 to Section 841, and renumbering and amendment of Section 749 to Section 777 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

§ 778. Request for Extension of Time Under Permits.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5). (Ed. Note—Similar to former Section 776.5.)
2. Renumbering and amendment of Section 778 to Section 842 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

§ 778.5. Notice of Petitions and Protests.

HISTORY

1. New section filed 5-9-74; effective thirtieth day thereafter (Register 74, No. 19).
2. Amendment of subsection (a) filed 1-28-76; effective thirtieth day thereafter (Register 76, No. 5).
3. Renumbering and amendment of Section 778.5 to Section 843 filed 1-16-87 effective thirtieth day thereafter (Register 87, No. 10).

§ 779. Cause for Extension of Time.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5).
2. Amendment filed 3-19-64; effective thirtieth day thereafter (Register 64, No. 6).
3. Amendment filed 12-24-71; effective thirtieth day thereafter (Register 71, No. 43).
4. Editorial correction (Register 72, No. 27).
5. Renumbering and amendment of Section 779 to Section 844 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

Article 14. Standard Permit Terms and Conditions

§ 780. Standard Permit Terms.

The board maintains a list of Standard Permit Terms, applicable portions of which are included in all permits. Copies of the Standard Permit Terms are available upon request. In addition to the applicable standard terms which are included in each permit, the following terms shall be included in every water right permit issued by the board, and shall be included in every existing permit as a condition for granting an extension of time to commence or to complete construction work or to apply the water to full beneficial use:

(a) Continuing Authority. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the board may be exercised by imposing specific requirements over and above those contained in this permit with

DGC

~~26752~~

4/26/93

S10138

Please excuse the hand written note.

Here's the FERC documents we
have on file. This should help you
with your response regarding Mr. Lewis D
Evans.

Thanks,

Chris Laumer

Hume Lake! SEQ
56 FERC 1 62,105
~~1 25 158~~
510138

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Lewis D. Evans

Project No. 3208-017 FILE
California

ORDER TERMINATING LICENSE

(Issued August 9, 1991)

Pursuant to amended article 301 of the license for the Hume Lake Project, construction of the project was to commence by April 30, 1991. The Commission's records indicate that the construction did not begin.

Pursuant to section 13 of the Federal Power Act and section 375.314(f) of the Commission's regulations, a notice of probable termination of the license was issued on May 7, 1991. Accordingly, the license will be terminated herein.

The Director orders:

(A) The license for Hume Lake Project, FERC No. 3208, issued on April 30, 1987, is terminated effective 30 days after the issuance date of this order unless that day is a Saturday, Sunday, or holiday as described in section 385.2007, in which case the effective date is the first business day following that day.

(B) Lewis D. Evans shall pay all annual charges that accrue before the issuance date of this order.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. §385.713.

W
☒ FICR
☒ FICNO
☒ FICD
☒ FICR
☒ FICR
☒ FICR

AUG 32 '91

☒ NO
☒ PAO
☒ PDR
☒ CC
SEQUOIA N.F. HUME LAKE RD

Joseph A. Morgan
J. Mark Robinson
Director, Division of Project
Compliance and Administration

DC-A-6

*Harry... please FICP do
EXED - that this order
was issued. Please
copy it to the hard
copy of the already*

HL D6C
Bruce/Sue
~~A 26752~~
S10138

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Lewis D. Evans

Project No. 3208-016
California

ORDER DENYING REQUEST FOR EXTENSION OF TIME
(Issued April 22, 1991)

On April 20, 1987, a license was issued to Lewis D. Evans for the Hume Lake Project, located within the Sequoia National Forest on the Ten Mile Creek in Fresno County, California. Article 301 of the license required that construction of the project begin by April 30, 1989. The licensee requested and on February 15, 1989, was granted an extension of time to April 30, 1991, to commence construction. On April 10, 1991, the licensee again requested a further extension of time to commence construction.

Section 13 of the Federal Power Act permits the granting of one extension of time (not to exceed two years) to commence construction of a licensed project. Since the licensee has already received the maximum extension allowed under section 13, no further extension may be granted. Consequently, the request will be denied herein.

The Director orders:

(A) The request for an extension of time to commence construction of the project is denied.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Fred E. Springer

Fred E. Springer
Director, Office of
Hydropower Licensing

JUN 15 '91

☐ FILE 2-26-91
☐ POST
☐ CC

DC-A-10

FS

RECEIVED

R5

MAY 28 1991

L&REM & MAM

~~READING~~

(916) 657-1359

FAX: (916) 657-1485

In Reply Refer
to:333:LLE:26752

APRIL 21 1993

Mr. Lewis Evans
P.O. Box 820
Kings Canyon National Park, CA 93633

Dear Mr. Evans:

ANNUAL FEE FOR APPLICATION 26752

This letter will constitute official notice within the meaning of Water Code Section 1536 of the annual water right application fee of \$172 due on the subject application, as outlined to you in our letter of January 29, 1993 (copy enclosed).

The law requires that your application be cancelled if the required fee is not received within 30 days from the date of this notice.

Sincerely,

EDWARD C. ANTON, Chief
Division of Water Rights

Enclosure

CERTIFIED

!LLErickson:bl:4/14/93:larchuleta:4-14-93
!shalb300:wr.1H-1a:26752

NOTE: Authority cited: Section 1058, Water Code. Reference: Sections 183, 1357, 1358 and 1359, Water Code.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5).
2. Renumbering and amendment of former Section 770 to Section 834, and renumbering and amendment of Section 737.4 to Section 770 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10). For prior history, see Register 75, No. 21.

§ 771. Procedure Relating to Hearings.

The provisions of Article 11 of the subchapter insofar as they are applicable shall govern hearings under this article.

NOTE: Authority cited: Section 1058, Water Code. Reference: Sections 183, 1051, 1080, 1357, 1358 and 1359, Water Code.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5).
2. Renumbering and amendment of former Section 771 to Section 835, and renumbering and amendment of Section 737.5 to Section 771 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10). For prior history, see Register 75, No. 21.

§ 772. Issuance of Separate Permits and Licenses.

HISTORY

1. New section filed 12-7-67 as organizational and procedural; effective upon filing (Register 67, No. 49).
2. Renumbering and amendment of Section 772 to Section 836 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

Article 13. Right of Access

§ 775. Right of Access Over Lands Not Owned by Applicant.

When the applicant will need to occupy property or to use existing works not owned by him, it will generally be sufficient for the applicant to state in writing that the consent of the owner has been obtained, provided there is not denial. When the owner will not consent, the board may require satisfactory evidence of the applicant's ability through condemnation proceedings or otherwise to secure the necessary right of access before the application will be approved. For good cause shown, the board may allow reasonable time for the applicant to negotiate with the owner for the necessary right of access.

NOTE: Authority cited: Section 1058, Water Code. Reference: Sections 1250, 1252, 1253, 1257 and 1260, Water Code.

HISTORY

1. Renumbering and amendment of Section 747 to Section 775 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10). For prior history, see Register 60, No. 5.

§ 776. Where Public Agency Permission or Approval Is Required.

If the proposed project will require a permit, license, or approval from another public agency or officer and it become evident that regardless of the action taken by the board, such permit, license, or approval could not be secured from the proper agency, the application will be rejected.

NOTE: Authority cited: Section 1058, Water Code. Reference: Sections 1250 and 1255, Water Code.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5). (Ed. Note—Similar to former Section 778.)
2. Amendment filed 3-19-64; effective thirtieth day thereafter (Register 64, No. 6).
3. Renumbering and amendment of former Section 776 to Section 840, and renumbering and amendment of Section 748 to Section 776 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

§ 776.5. Requests for Extension of Time Under Permit.

HISTORY

1. New section filed 12-1-55; effective thirtieth day thereafter (Register 55, No. 17).
2. Repealer filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5).

§ 777. Right of Access over Lands Where Title Is Disputed.

The board will not undertake to determine title to land or the right to occupy or use land or other property. A dispute concerning applicant's title or right to occupy or use land or other property necessary for consummation of the proposed appropriation is not cause for denial of an application. A protest based solely upon such disputed title or right will ordinarily be rejected as not presenting an issue within the board's jurisdiction; provided that the board may temporarily defer action on an application pending judicial determination of applicant's title or right to occupy or use property when in the board's judgment such action is justified.

NOTE: Authority cited: Section 1058, Water Code. Reference: Section 1250, Water Code.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5). (Ed. Note—Similar to former Section 776.)
2. Renumbering and amendment of former Section 777 to Section 841, and renumbering and amendment of Section 749 to Section 777 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

§ 778. Request for Extension of Time Under Permits.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5). (Ed. Note—Similar to former Section 776.5.)
2. Renumbering and amendment of Section 778 to Section 842 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

§ 778.5. Notice of Petitions and Protests.

HISTORY

1. New section filed 5-9-74; effective thirtieth day thereafter (Register 74, No. 19).
2. Amendment of subsection (a) filed 1-28-76; effective thirtieth day thereafter (Register 76, No. 5).
3. Renumbering and amendment of Section 778.5 to Section 843 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

§ 779. Cause for Extension of Time.

HISTORY

1. Amendment filed 3-10-60; effective thirtieth day thereafter (Register 60, No. 5).
2. Amendment filed 3-19-64; effective thirtieth day thereafter (Register 64, No. 6).
3. Amendment filed 12-24-71; effective thirtieth day thereafter (Register 71, No. 45).
4. Editorial correction (Register 72, No. 27).
5. Renumbering and amendment of Section 779 to Section 844 filed 1-16-87; effective thirtieth day thereafter (Register 87, No. 10).

Article 14. Standard Permit Terms and Conditions

§ 780. Standard Permit Terms.

The board maintains a list of Standard Permit Terms, applicable portions of which are included in all permits. Copies of the Standard Permit Terms are available upon request. In addition to the applicable standard terms which are included in each permit, the following terms shall be included in every water right permit issued by the board, and shall be included in every existing permit as a condition for granting an extension of time to commence or to complete construction work or to apply the water to full beneficial use:

(a) Continuing Authority. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the board may be exercised by imposing specific requirements over and above those contained in this permit with

DGC

~~26752~~

4/26/93

S 10138

Please excuse the hand written note.

Here's the FERC documents we
have on file. This should help you
with your response regarding Mr. Lewis D
Evans.

Thanks,

Chris Laumer

Hume Lake! SEQ
56 FERC 1 62,105

~~12/15/91~~
510138

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Lewis D. Evans

Project No. 3208-017 FILE
California

ORDER TERMINATING LICENSE

(Issued August 9, 1991)

Pursuant to amended article 301 of the license for the Hume Lake Project, construction of the project was to commence by April 30, 1991. The Commission's records indicate that the construction did not begin.

Pursuant to section 13 of the Federal Power Act and section 375.314(f) of the Commission's regulations, a notice of probable termination of the license was issued on May 7, 1991. Accordingly, the license will be terminated herein.

The Director orders:

(A) The license for Hume Lake Project, FERC No. 3208, issued on April 30, 1987, is terminated effective 30 days after the issuance date of this order unless that day is a Saturday, Sunday, or holiday as described in section 385.2007, in which case the effective date is the first business day following that day.

(B) Lewis D. Evans shall pay all annual charges that accrue before the issuance date of this order.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. §385.713.

Joseph A. Morgan
J. Mark Robinson
Director, Division of Project
Compliance and Administration

W
FICR
ETRO
ETRO
ETRO
ETRO
ETRO

AUG 32 '91

☒ NO
☒ PAO
☒ FOR
☒ CC
SEQUOIA N.F. HUME LAKE RD

Handwritten notes: "Please FICR to ERD - that this order was signed. 12/15/91. All the days a hard copy of this order already."

AL DGC
Bruce/Sue

A 26752

510138

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Lewis D. Evans

Project No. 3208-016
CaliforniaORDER DENYING REQUEST FOR EXTENSION OF TIME
(Issued April 22, 1991)

On April 20, 1987, a license was issued to Lewis D. Evans for the Hume Lake Project, located within the Sequoia National Forest on the Ten Mile Creek in Fresno County, California. Article 301 of the license required that construction of the project begin by April 30, 1989. The licensee requested and on February 15, 1989, was granted an extension of time to April 30, 1991, to commence construction. On April 10, 1991, the licensee again requested a further extension of time to commence construction.

Section 13 of the Federal Power Act permits the granting of one extension of time (not to exceed two years) to commence construction of a licensed project. Since the licensee has already received the maximum extension allowed under section 13, no further extension may be granted. Consequently, the request will be denied herein.

The Director orders:

(A) The request for an extension of time to commence construction of the project is denied.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.



Fred E. Springer
Director, Office of
Hydropower Licensing

JUN 15 '91

FILE 212.5
POST
CC

DC-A-10

FS

RECEIVED

R5

MAY 28 1991

L&REM & MAM

UNITED STATES
DEPARTMENT OF
AGRICULTURE

FOREST
SERVICE

HUME LAKE
RANGER DISTRICT

35860 E. KINGS CANYON RD.
DUNLAP, CA. 93621
(209) 338-2251

DGC

* A26752

REPLY TO: 5300

DATE: APRIL 9, 1993

** S 10/38
Fresno County

* Lewis Evans

** Evans, Lewis & Phil
K-27 Tehipite Dome

Mr. David Cornelius
P.O. Box 2000
Sacramento, CA 95812-2000

Dear Mr. Cornelius:

On April 9, 1993 I spoke to you concerning state water rights on the Sequoia National Forest. Lewis D. Evans has two water lines on Ten Mile Creek, which we believe are in trespass. One of the water lines is approximately 10 inches in diameter and the other line is approximately 4 inches in diameter. The lines are currently transporting water to Mr. Evans property, a distance of 1600 feet.

The pipelines are located near SR-180, T13S., R28E., Section 1, SW 1/4, Mt. Diablo Base and Meridian, Fresno County, California.

The water is used for irrigation and possibly for domestic use according to Mr. Evans 1979 Special-Use Application.

He claims pre-1914 water rights and believes trespassing on adjacent landowners property is included with the water rights.

We would appreciate information with respect to any correspondence or authorizations you have issued to Mr. Evans since 1965.

CHRIS LAUNER



SPECIAL AGENT

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
STATEMENT OF WATER DIVERSION AND USE
(This is not a Water Right)

S-10138

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water Phil + Lewis EVANS
 Address P.O. Box 820 Kings Canyon National Park Telephone: 92633 209 335 2405

B. Name of body of water at point of diversion TEN Mile Creek
 Tributary to Kings River

C. Place of diversion 1/4 Section 1, Township 13S, Range 28E, MD B&M,
FRESNO County, or locate it on sketch of section grid on reverse side with regard to section
 lines or prominent local landmarks. Area has no established section lines.

D. Name of works Banton Flat pipeline

E. Capacity of diversion works 1.25 cfs cubic feet per second
 Capacity of storage reservoir 40000 gallons gallons per minute
 State quantity of water used each month in gallons or acre-feet gallons
acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

Approximately 10 acres of fruit, 10000 public visitors served in restaurants

Maximum annual water use in recent years unknown gallons

Minimum annual water use in recent years unknown acre feet

Type of diversion facility: gravity ✓, pump _____ gallons

Method of measurement: weir _____, flume _____, electric power meter _____, water meter _____, estimate ✓ acre-feet

F. Purpose of use (what water is being used for) Fire protection, irrigation of crops,
domestic use, and hydroelectric power generation

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)
Banton Flat Apple orchard, peach, plum, nut trees, vegetable garden,
located 70 miles east of Fresno on highway 180

H. Year of first use as nearly as known 1914

I. Name of person filing statement LEWIS EVANS

Position partner Organization Kings Canyon Lodge

Address P.O. Box 820 Kings Canyon NP. CA Telephone: 209 335 2373

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

DATED: 10/20, 19 80, at Kings Canyon, California.

Signature: [Signature]

See Instructions on Reverse Side